

192

Department of *Latter*

OFFICE *Asst. Secy*

STATION *Latter*

misc. No. 693

Dated

6 3 29

Date

Initial

To whom sent

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(SUBJECT.)

Re: 4 S. Kanara

Dr. and Larden and

Liberty of Sub-Division

Communicate

In reply, please quote
number, date and short
title.

Received

Registered

From (Name) A.R. Mac Ewen Esquire, M.C., I.C.S.,

(Designation) Special Settlement Officer, Party No. 4.

- Post Box _____, (STATION) CANNANORE

Telegraphic Address _____

To The Secretary to the Commissioners of
Land Revenue & Settlement, A BAR
Chepauk, MADRAS.

Through

The Collector of Malabar, Calicut.

C No. 668/1, dated 1st December 1928.
Brc/28-1

Sir,

* SETTLEMENT - Re-settlement - Malabar - Clubbed
subdivisions - orders requested.

ENCLOSURES _____

SPARE COPIES _____

I have the honour to request the favour of
instructions on the re-classification of occupied dry lands
in Malabar as garden or wet (G.O. No. 980 Revenue, dated
5-5-1928), with reference to the effect of these orders on
the previous orders of the Board for the treatment of
adjacent subdivisions clubbed at re-survey.

2. Earlier in the preliminary re-settlement work,
when Ernad and part of Walluvanad were being re-surveyed,
Mr. Bozman asked for the orders of the Board on the proper
treatment, pending final action at introduction, of cases
in which Survey have, following bushthithi, grouped sub-
divisions or fields of different descriptions or rates of
assessment; after a successful trial ordered in Board's
No. F. 7314-26-1. dated the 22nd of November 1926 the Board,
in its Proceedings No. Mis. 821, dated the 26th of March, 1927,
finally approved the system now in use. This system, to
avoid any hardship to the ryots, lays down that where the
various bits included by Survey are of substantial size,
imaginary subdivisions are not to be made; the description
of _____ to be followed, while a deduction
or addition is to be made in the assessment of the whole to
correspond to the inclusion of the minor portion. The



(U)

(W)

(W)

question now arises whether, in view of the orders for reclassification, any departure from this procedure during re-survey is required, and whether, in areas that were re-surveyed prior to the issue of the reclassification orders, the resurvey records, based on this system, are to be accepted without alteration or not.

3. I would preface my remarks by saying that, throughout this letter, I am referring to fields of a considerable size, such as are found very frequently--fields in which the occupied dry areas that have been clubbed with garden or the areas of inferior gardens that have been clubbed with highly-assessed gardens, are so large that any alteration in the method of arriving at the proper assessment at resettlement would mean a distinct difference in the results obtained. It was during my scrutiny of the 'clubbed subdivision lists' for Chirakkal Taluk, the records of which are now coming in, that this question struck me forcibly; the number of cases concerned will undoubtedly be large in all the re-surveyed taluks of Malabar.

4. My first point is, that, in other Districts in which this Party has worked, the clubbed subdivision problem has only affected wet and dry lands, and the Special Settlement Officer has always had general powers given to him to deal with such cases, on introduction, by following the state of the ground where parts of dry fields have been included with registered wet fields. But in Malabar we are faced with the occupied^{dry}-cum-garden question; and, in the orders of Government for the reclassification of occupied dry lands, Government have forbidden any revision of the present assessment on registered garden lands and they have laid it down that existing gardens are not to be lowered to dry unless the ryot can prove that the disappearance of the trees is not due to neglect. These provisions are new, and they have not been laid down before even in Malabar, where the old settlement was an original settlement.

5. I can best illustrate by examples the effect of
|| these restrictions on cases of clubbing by Survey.

Supposing that three subdivisions lie side by side along the fringe of a paddy-flat; Old Survey No.1/1 is a Rs.5 garden; next to it lies Old Survey No.1/2, an old occupied dry field; on the other side of Old Survey No. 1/2 lies Old Survey No.1/3, a Rs.2 garden; the boundaries have now disappeared, and Survey has clubbed them, following busthithi. How are they to be dealt with at resettlement? If we follow the letter of the Government Order, they ought all to be separated, the two garden subdivisions being retained at their original rates and the occupied dry subdivision being inspected on its own merits to see if it deserves to be classed as garden. If Survey is accepted without alteration, several possibilities arise; the inspection of the new clubbed field as one unit will be essential, and this will entail counting the trees of the whole field and assigning a new garden rate to correspond with the present merits of the case.

Or again, supposing a poor registered garden that was assessed at Rs.2 adjoins an occupied ^{dry} subdivision containing a house or non-garden cultivation of about the same size; the inclusion of the latter may bring the number of trees below the essential minimum, and, on the merits of the case, the whole will have to ^{be} registered as dry.

6. I think that these examples make my point clear enough. From the correspondence that preceded the issue of the Board's orders adopting the existing procedure, it appears that the general impression then was that at resettlement the Special Settlement Officer would get powers under which he could deal with such case

without subdivision; in paragraph 2 of Mr.Bozman's letter in which he raised the question (his No.R.O.C.1833/Misc/26, dated the 22nd ^{October} November, 1926),he said that if imaginary subdivisions were created to follow the old survey, they would 'almost inevitably be cancelled at the time of - resettlement, when general powers for reclassification in such cases will be taken'. But, as I have said, the restrictions in the matter of revising of existing garden - rates and of transferring old gardens where necessary to dry have altered the aspect of the question, and it appears that it is now necessary to obtain sanction x for regarding the orders of Government as applying only to old settlement subdivisions or fields that are still marked as such on the ground and are fit to be (and are) treated as such at resurvey. I therefore request that the Board will inform me if the orders of Government are to be modified in this respect.

b1-24F
in flag (W)

7. The-disadvantages of creating so many new - subdivisions are obvious and; if the Board considers that there is no necessity to create imaginary subdivisions at resettlement in order to retain existing gardens as such and to enable the field staff to inspect each existing occupied dry field or subdivision as it stood in the old survey records, I request the favour of orders as to the method of dealing with these 'clubbed' cases at resettlement. There will be two main types of such cases:--

(1) gardens clubbed with occupied dry, the latter being in some cases fit now for transfer to garden and in some cases only fit to be retained as occupied dry;

and (2) gardens of different rates clubbed.

With regard to the first class, there seem to me to be two alternatives, either to inspect each case and assign a suitable garden rate for the whole, or to adopt some

arbitrary method of assessing them. The advantage of the latter method is that field inspection would not be essential; it is, I submit possible to adopt the method ordered for occupied dry fields now garden on the ground, giving these clubbed cases the rate of the adjoining garden, or, failing any adjacent garden, the lowest garden rate in the desam; this would be a purely office process--an arbitrary one, it is true, but it has been admitted in the papers on the general question of reclassification that any method except detailed inspection and re-counting is arbitrary. At the same time such a method is to my mind inequitable, assuming as it does that the included occupied dry area would, if inspected, be found to be fit, by itself, to be garden. On the other hand, the former method does not call for as great an expenditure of time and money as might be thought at first sight, the menons are to be inspecting all occupied dry fields in any case, and the addition of these clubbed cases will not very materially add to their work or to that of the over-checking staff. I submit these alternatives for consideration; my own opinion is in favour of inspection. I suggest that, if inspection is to be done, the interests of the ryots might be protected by an order that in no case is the new rate to exceed the highest of the rates now borne by the included portions.

With regard to cases where gardens of different rates are clubbed, there does not seem to be any need for field inspection; it may be assumed, in conformity with the "simplified system", that Survey have found no visible boundaries and it may be left to the ryot to protest at rough patta objection hearing and to prove that boundaries do exist: if he does so, the old subdivisions can be restored. At present, the "deduction or addition" method leads to temporary assessments

that are not based on taram rates, and obviously these cannot continue at resettlement. For example, in the first typical case quoted by Mr. Bozman in paragraph 4 of his letter quoted above, a field of 12 acres pays, until resettlement, an assessment of Rs.44. I suggest that a fair working rule would be to assess the whole garden at the taram rate next below the average rate per acre resulting from the temporary assessment.

8. Thus far, my reference is concerned solely with re-surveyed areas. In the Taluks that are not to be resurveyed, too, my field staff is sure to find a number of cases where cases similar to the above exist, with no sign of the old ridges. In Palghat especially, where the Jenmam Registration work prior to settlement resulted in an absurdly large number of tiny subdivisions, such cases are certain to be many, and it would be as well to take the opportunity of reducing them by clubbing where it is possible to do so; the Survey Department will be preparing new field measurement books in any case. If the Board approves of this clubbing, orders will be required on the procedure in this and other Taluks that are not being re-surveyed; the orders, I submit, should be in conformity with whatever orders are passed for re-surveyed areas.

9. I assume, too, that, in the event of a reclassification of converted dry lands being ordered in South Kanara, the procedure in that District would follow the orders passed for Malabar. There, too, the same clubbing will be found in Kasaragod Taluk, and in the other Taluks, none of which is to be resurveyed, clubbing may where necessary be carried out in the Branch offices. I would ask that one exception should be made in South Kanara; in my report on the question of reclassification (paragraph 16 of my No.R.O.C.366/B&C 27-11 dated 10-8-23), I asked for special treatment of areca gardens, in conformity

with the assessment imposed on them at last settlement; on the lines of the instances quoted there, I submit that, in some cases in the interests of Government revenue and in others in the interests of the pattadars, old and new areca gardens may be treated as separate units for reclassification purposes.

I have the honour to be,

Sir,

Your most obedient servant,

S. Padmanabha Rao
For Special Settlement Officer
rc

K.J.3-12-28.

8

N. Dis 11533-28.

78737



Forwarded

Kanne

Malabar Collector's office }
Calicut 11-12-28 } Collector
Camp Mahantoddy
RGS
6.12.28
7/12/28

FOR MEMBER

Subject.— 9

U. S. XII-A-19.-15,004-18-12-25 (6)

Sett - Resett - Malabar -

Occupied dry and garden lands
Clabbing of sand dunes

READ AGAIN B.P. No. _____ dated _____ 192 .

" " _____ " _____ 192 .

READ ALSO :—

F Register No. 8737, From the S. S. O. no. IV Part C 668, dated 1-12-192
B+C
28-1

End^d from the Col. N. Dis 11533 192
Jhalabes 28 of 11-12-28

_____ 192

RESOLUTION. *F 8737/28-1*
No. _____, dated *16-1-192*

1/5-7 } (W)
 1/20-21 }

In its Refce. no. F 7314 / 26-1 of 22-11-26 and its Proceedings no. 821 of 26-3-27 (copies enclosed) the Board issued certain instructions regarding the ~~description and assessment to~~ ^{treatment of} ~~be adopted in~~ ^{with resurveyed tracts of} cases, ^{including} ~~where~~ ^{old} survey fields or sub-divisions of different description or taram have been clubbed at the resurvey and are indistinguishable from one another on the ground. ~~the resurveyed tracts of Malabar & Sikkim.~~ The general principle

underlying these instructions is that imaginary subdivisions should not be created and that where different descriptions of land are clubbed the description of the major extent portion should be followed, ~~and a deduction or addition made to the total assessment on the clubbed fields to correspond to the inclusion of the minor portions~~. In his letter read above the S.S.O. no. IV Party brings to notice that in certain practical difficulties will arise in adopting this procedure in cases where garden lands of different classes or garden and occupied by lands ~~inhabited~~ are clubbed into single fields at revenue, inasmuch as under para. 8 of fo. no. 980 Rev. of 5-5-28 no reclassification of any existing garden land should be made either by raising the existing class or by lowering it and no garden land should be reclassified as occupied by unless there is

an application from the ryots and unless the S. S. O. is satisfied that the land has become permanently unsuitable for garden cultivation owing to causes beyond the ryot's control.

A strict adherence to these orders of Govt will require that the old garden subdivisions should be kept distinct, however small their extent may be ~~and~~ ^{in proportion} to the entire area of the clubbed field and notwithstanding the fact that most of them will not be marked by ridges and will be unidentifiable on the ground. The

Board agrees with the S. S. O. that ~~inasmuch as such an inquiry is necessary~~ ^{inasmuch as such an inquiry is necessary} ~~their will create a disadvantage~~ ^{their will create a disadvantage} ~~handicapped~~

~~state of affairs~~ and requests the

Govt will be pleased to receive

^{application} the ~~scope~~ of the orders issued in

clause (1) of para. 8 of go. no. 98

Rev. of S. S. 28 ~~as applying only~~

to old sett. subdivisions or fields

that are still marked as such

on the ground and are fit to be and

are treated as such at revision.

If this recommendation is approved

p157(2)

12/

By far there will be no difficulty in dealing with cases of chubbing of garden lands assessed at different rates in accordance with the principles enunciated in B.O. Mis. no. 821 of 26-3-27. No field inspection is necessary and, as suggested by the S.S.O., the garden rate next below the average rate of assessment fixed temporarily for the chubbed area under B.O. Mis 821 of 26-3-27 may be adopted.

(W)

S/

Cases of chubbing of garden and occupied dry lands are not so simple. The S.S.O. considers it desirable to inspect all such cases and he says that this will not materially add to the inspection work. The Board agrees with him and suggests that the following method may be adopted in dealing with these cases. Chubbing of garden and occupied dry lands will fall under three classes -

(i) occupied dry and garden, the former having been converted into garden

(ii)

13

13

p 7

b15 of (2)



Since the clubbed garden
is in the adjoining garden
what is the necessity for this
~~separate~~ point here? Can you
give me an example where
the rule in the draft would be
required

12/11/24

- (ii) occupied dry and garden, the
garden having become extinct &
(iii) occupied dry and garden, where
the no. of bearing trees, taking
into consideration the clubbed field
as a whole, is not sufficient to
justify the treatment of the whole
clubbed field as a garden.

Cases coming under class (i) will
fall under the general rule laid
down in para 8 (b) of go. no. 980 of
5-5-28 viz. that the occupied dry
land should be assessed at the
rate of the adjoining garden land
or where there are ^{such} more rates than
one at the lowest of such rates.

Where, however, in respect of any
clubbed field, the adjacent garden
rates are higher than the rate or
rates of the gardens included in
the clubbed field, the S.S.O. suggests
that it may be provided that the
rate for the clubbed field should
not exceed the highest of the rates
now borne by the included portions

The Board supports the S.S.O.'s suggestion

As regards cases coming under
class (ii) the Board submits that

if the decay of the garden was ~~not~~ due to causes beyond the ryot's control and if the whole of the chubbed field may be treated as occupied dry and assessed at the appropriate rate. In other cases an arbitrary subdivision will necessarily have to be made to separate the garden portion as under para. 8 (2) of fo. no. 980 Rev. d) 5-5-28 no garden land sh^d be reclassified as 'occupied dry' except in the special circumstances laid down therein. Such arbitrary subdivisions can perhaps be avoided in cases where the garden portion happens to bear a rate of Rs 2 or less, as the highest dry rate is ^{also} ~~only~~ Rs 2 and the chubbed field can be treated as occupied dry and can be so assessed as not to result in any loss of revenue to government.

b15 m (U)

Cases coming under class (iii) will have to be treated on more or less the same lines as class (ii). If the garden portion bears rates of

As 2 or less the whole field may be treated as occupied dry and an appropriate assessment levied; otherwise, the garden portion will have to be separated as a sub-division.

p6-1.

2./ Para. 8 of the S.S.O.'s letter

The S.S.O. suggests that the procedure that will be prescribed for the resurveyed tracts should be followed in the non-resurveyed tracts also. The Board considers that it is not necessary to apply the principles outlined above to areas that are not resurveyed. In resurveyed areas the clubbing has already been effected by the Survey Dept following the state of the ground and ~~which the Sett.~~ ^{are done} ~~officer is deciding~~ ^{means} to adopt ^{the survey} without meaning imaginary subdivisions. In non-resurveyed areas the existing subdivisions also exist and it is unnecessary to club them and deliberately create ^{difficulties} ~~a state~~ of things to necessitate the application to it of any procedure that may be prescribed for the resurveyed

16

Board considers that, following
the existing subdivisions, transfers
from ^{occupied} dry to wet, and occupied
dry to garden ^{and garden to occupied dry} may be effected
in accordance with the ~~instructions~~ ^{instructions}
of Govt in their order no. 980 Rev
75-5-28

p157 (U)

116-7 of.

3./ Para. 9 of the S.S.O's letter.
A report on the question of
the reclassification of lands
in S. Kanara at the ensuing
settl. was submitted to Govt
with Bd's Refce. no F8390/27-4
of 29-10-28. The Board considers
that the question of dealing with
chibbed fields in that dist may
be taken up after receipt of Govt
orders on the above refce.

109..
8.1.29

ad/10/11/29

new
15.11.29.

CLB
9.1.29.

one
ad/16/1.29

21 JAN 1929

To the Secy. to Govt RD. (in the copy
of 1 of Bd's Refce. F 7314/26-17 22-11-26
+ Govt. memo 8217 26-3-27) in edited
Copy To the S.S.O. no. IV Parry
" " Collr. of Malabar

DRAFT FOR APPROVAL.

Enclosures.

Despatch No.

When given to fair copying

Fair-copied by

Fair-copy compared by

When despatched

Office.

Register No. , dated

From

Subject.

Sell. Result. S. Kanara -
Dry and garden land -
Clubbing of subsoils

To

THE Secretary to Govt. R.O.
 Copy to the J. S. no. IV Party

Refce. F 8737/28-2 & 7-2-29

p16 of

Refce. para. 3 of Govt. Refce.

no. F 8737/28-1 & 16-1-29

and go. Press no. 147 Rev. &
28-1-29

(R)

The Board submit
 that the treatment of club
 fields in the surveyed area,
 the S. Kanara & may proceed
 on the same lines as were
 recommended for Malabar
 in para. 1 of Govt. Refce. no. F 8737/
 28-1 & 16-1-19 subject to certain
 slight modifications which
 are noted below.

2./ In or
 the instructions

(W)

6/11
 7/10/29

recommends on the analogy
of the suggestion made for Malabar
that the application of the orders
issued in clause (1) of para. 3 of
Go. Press no. 147 Rev D 23-1-29 may
be restricted to old sett. subdivisions
or fields that are still marked
as such on the ground and are
fit to be, and are treated as
such at survey. In cases
where garden lands of different
sorts ^{have been} ~~are~~ clubbed at survey,
the garden rate next below
the average rate of assessment
fixed temporarily under P.B.
Mis. no. 821 D 26-3-27 may be
adopted for the clubbed fields
as was recommended for Malabar.

§ 2 of (R)

(W)

3/ Clubbing of dry and
garden lands will fall under
the same three classes as in
Malabar. —

(i) Clubbing of dry and garden
the former having been converted
into garden. The Board consider
that cases falling under this
class may be treated in the
same way as was recommended
for Malabar subject to 1/

modification that the proviso that the rate for the clubbed field should not exceed the highest of the rates now borne by the included portions may be omitted in cases where the new garden is planted with areca palms. The fact of the existence of an areca garden will render the field liable to be assessed at a high rate irrespective of ^{the rate of} any adjacent rate garden or even of the rates of the garden portions included in the clubbed field.

Cases coming under classes (ii) & (iii) viz.

clubbing of dry and garden, the garden having become extinct
and clubbing of dry and garden
where the number of bearing trees, taking into consideration,
the clubbed field as a whole, is
not sufficient to justify the tax
of the whole clubbed field as a
garden may also be to
on the same line
for similar cases

As however the lowest garden
rate in S. Kanara is Rs 2,
arbitrary subventions can be
avoided only in cases where
the garden portion bears the
Rs.2 rate. The whole field may
in such cases be treated as
dy and assessed accordingly.

Kf
5-2-29

as
7/2/29

CLP
6-2-29

Done
CLP
7-2-29



21

Sectt. II-15 (a) - 34,000 - 25-10-27.

212

Received 1929. Registered 1929

Abstract.

Settlement - Resettlement - Malabar - Occupied dry and
burden land - Clubbing of sub divisions - Board's proposals -
Approved.

for communication

R e v e n u e DEPARTMENT

G.O. No. Mis. 326

dated 18th February 1929.

Read the following papers

ENCLOSURES.

No.

G.O.No. 980 Revenue dated 5th May 1928.

From the Board of Revenue, Land Revenue and Settlement, Ref.No.F.8737/28-1 dated 16th January 1929

119-16 ~

O'r d e r :-

In its Reference read above the Board of Revenue has submitted proposals for the treatment of cases in the resurveyed tracts of the Malabar district in which old survey fields or sub divisions of different descriptions or tarams have been clubbed at the resurvey and are indistinguishable from one another on the ground. In the circumstances stated by the Board, the Government accept its recommendation that the application of the orders issued in clause (1) of paragraph 8 of G.O. No.980 Revenue dated 5th May 1928 should be restricted to old settlement subdivisions or fields that still exist as such on the ground and are fit to be, and are, treated as such at resurvey.

2. The Government also approve the procedure outlined by the Board of Revenue in paragraph 1 of its reference read above for the treatment of

(1) cases in which garden lands assessed at different rates have been clubbed; and

(2) cases in which garden and occupied dry lands have been clubbed.

The Government agree that this procedure need not be followed in those parts of the district which are not to be resurveyed. In those parts transfers from occupied dry to wet, occupied dry to garden and garden to occupied dry should be effected in accordance with the instructions of the Government issued in G.O. No.980 Revenue dated - 14-15 y (27) 5th May 1928.

3. Orders on the proposals for the treatment of clubbed fields in the South Kanara District will be issued separately. H 17-20 cf.

(By Order of the Governor in Council)

H.R.Pate,

Secretary to Government.

To the Board of Revenue,
Land Revenue and Settlement.

Forwarded

(By Order)

F1251-A

Refce. F8737/28-332119
Communicated to the
S.S.O. no. II Party.

K.S.
S.R.S. 20.2.29.

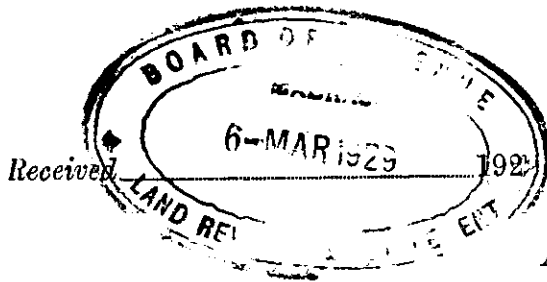
20.2.29.

Subject not p 21 ante
Krishnan
Superintendent.

18/2/29



Sectt. II-15 (a)—36,000—21-1-29.



Registered Bes 192
8-MAR.1929

Abstract.

Settlement.re-settlement-south kanara-Dry and garden lands-
clubbing of sub-divisions-orders passed.

REVENUE DEPARTMENT.

G.O. No. 444 Vis., , dated 4th March 1929.

READ the following paper :—

ENCLOSURES.

No.....

Again G.O.No.147 Revenue, dated 23rd January 1929.

--do.-- 526 Revenue, dated 18th February 1929.

From the Board of Revenue, Land Revenue and Settlement,
Ref.No.8737-F/28-2, dated 7th February 1929.

O R D E R.

In its reference read above, the Board of Revenue has submitted proposals for the treatment of clubbed fields in the re-surveyed area of the South Kanara District. In the circumstances stated by the Board, the Government accept its recommendation that the application of the orders issued in clause (i) of paragraph 3 of G.O.No.Press,147.Revenue, dated 23rd January 1929 should be restricted to old Settlement sub-divisions or fields that still exist as such on the ground and are fit to be, and are treated as such at re-survey.

2. The Government also approve the procedure outlined by the Board of Revenue for the treatment of cases

- (1) in which garden lands assessed at different rates have been clubbed and
- (2) in which garden and occupied dry lands have been clubbed.

-2-

The Government direct that this procedure need not be followed in those parts of the district which are not to be re-surveyed. In those parts transfers from occupied dry to wet, occupied dry to garden and garden to occupied dry should be -- effected in accordance with the instructions in G.O.Press, No. 147 Revenue, dated 23rd January 1929. (R)

(By order of the Governor in Council),

H.R.Pate,
Secretary to Government,

To

The Board of Revenue, Land Revenue and Settlement.

F o r w a r d e d.

/By order/ ~

P. Krishnan
Superintendent.

VRD./4-3-29

5/3/29
Sh

Sett - Resett - S. Kanara
Dry and garden lands -

Chubbing of sub-transverse-

READ AGAIN B. P. No. _____ *for communication* dated _____ 192

192

READ ALSO :—

Register No. _____, From the _____, No. F 1452, dated _____ 1922

" "_____," "_____, "_____ 192

" " _____ , " _____ , " _____ 192

RESOLUTION. *Misc.* No. 693, dated 7.3 - 192

Communicated to the
S.S.O. no. IV Party, in
continuation of 8893 Ref
no. F 8737 / 28-3 8, 21-2-29.

p22 c7

$$\frac{K.S.}{6.3.29} \frac{J.H.}{6.3.29} \frac{a.s.}{7/8/29}$$

To the J. S. O. no. IV Party
 by the Collr. of S. Kanam
 with copies of the
 correspondence at pp 1-20 of.)

Done
JH
7329

Sett - Resett - Malabar -

occupied by and garden lands

Clubbing of subdivisions

From the S.S.O. no. IV Party & the
1st-8 of [F8737] Colly. of Malabar

W2
S
AS (Sett)

B.B. mis. 821 (W)
26-3-27

B.B. 37 Rev. 7 11-5-28
(U)

To AS (Sett)

Please see letter
from the S.S.O. no. IV Party.

H5-7
para. 2 of (W)

2/ This difficulty is
about the application of
the procedure prescribed in
B.B. mis. no. 821 of 26-3-27 to
cases where garden lands of
different tarams or gardens have
and occupied by lands are clubbed
into single fields at resurvey.
He incidentally raises the same
question with ref. to tracts which
are not resurveyed.

pl5 of (U)

3/ In para. 8 of fo. no.
980 Rev. 7 5-5-28 it has been
ordered that (a) it is unnecessary
to reclassify any existing garden
land either by raising the existing
class or by lowering it; (b) it is

unnecessary to reclassify any garden land as occupied dry unless there is an application and unless the S.S.O is satisfied that the land has become ^{permanently} unsuitable for garden cultivation owing to causes beyond the ryots' control; and (c) it is not neeq. to reclassify any wet land as garden.

The system approved in Prob. Mis. no. 821 of 26.3.27 lays down as a general rule that where diff^t descriptions of land are clubbed at survey the description of the major portion is to be followed and a deduction or addition is to be made in the total assessment to correspond to the inclusion of the minor portions. The S.S.O. points out that this procedure will be contrary to the orders issued in fo. no. 980 Rev of 5.5.28 referred to above. Cases of wet and garden lands clubbed together have not been mentioned apparently because they will be very rare.

The examples quoted in

Ms 5-74 (W)
20-21

Ms 14-15 of (U)

p3 cf

para. 5 of the 280 letter
explain his difficulty
according to the orders of fort.

pls of (v) in fo. no. 980 Rev of 5-5-28

no reclassification of garden
lands ^{should be carried out} ~~is possible~~ nor
transfers from garden to dry
except in the special circumstances
laid down in the f.o. ~~of A~~

rigid adherence to these orders
would require that the

numerous subdivisions or entire
fields however small they ^{might} be

in proportion to the entire clubbed
area should retain their existing
names and descriptions ^{unaltered}.

observed by the S.S.O. the disadvantage
of having ^{a large no. of} ~~some~~ tiny subdivisions
are obvious and an attempt should
be made to get rid of them, if possible.

In para. 6 of his letter the S.S.O.

p4 cf.

suggests ~~remedy~~. That fort.
should be ~~addressed~~ informed
of these practical difficulties and
requested to modify their orders
so as to make them apply only
to old sett. subdivisions or fields
that are still marked as such

on the ground and are fit to be and are treated as such at survey. In the event of Govt accepting this modification two questions will arise:-

- (i) When garden lands of different tarans are clubbed, what should be the rate on the clubbed area;
- (ii) When garden lands and occupied dry lands are clubbed, what should be the dry or garden rate on the clubbed area according as it is fit to be treated as dry or garden.

The case of no. (i) will not be difficult. No field inspection is required and as suggested by the S.S.O. the garden rate next below the average rate of assessment fixed temporarily under B.P. No. 821 Misc. Dy. 26-3-27 for the clubbed area may be adopted.

As regards (ii) the S.S.O. discussed two alternative solutions - either

- (1) to fix an arbitrary rate based on the adjacent garden rate or the lowest garden rate of the desam
- ~~in cases where the clubbed lands are a fair~~

pt 4-6 of

This class of cases presents no difficulty. The course suggested by the S.S.O. may be approved.

as
4/1/29.

pt 5-6 of

(TW)

pt 4-5 of

p 5 of

or (2) to make a field inspection and assign a suitable garden rate. The S. S. O. points out that the latter course will not involve much addl. work and will be equitable. As suggested by him the interests of the ryots may be protected by an order that in no case is the new rate to exceed the highest of the rates now borne by the included portions. If any of the ryots object to these methods of assessment, it will be open to them to demand at the time of the rough patta objection hearing that the sub. divisions sh^d be kept distinct.

The S. S. O. has not made any specific suggestion as to how cases in which the area covered by the 'occupied dry' subdivⁿ is not fit to be classed as garden should be dealt with. It seems that in such cases subdivⁿs. sh^d be made more or less arbitrarily in order to differentiate the 'occupied dry' area from the 'garden' area.

4/ Para. 8 of the S.S.O's letter

p6 of

The need for having uniformity of procedure in surveyed as well as non-surveyed areas is apparent. The procedure noted above may apply also to tracts which are not surveyed. The Satt. Dept. will have to effect the necessary clubbing during the course of field inspection.

5/ Para. 9 of the S.S.O's letter

pp 6-7 of

Govt. have not yet passed orders on the question of the reclassification of dry lands converted into wet or garden in the S. Kanara Dist. The question so far as it relates to S. Kanara may perhaps be taken up separately on receipt of the orders of Govt.

K.G. JK
3.1.29 3.1.29

Case of clubbing of gardens assessed at different rates present no difficulty. The rate next below the average assessment of the clubbed portions may be adopted at resettlement as noted on p.4. no inspection is required.

In the other cases viz., where occupied dry is clubbed with garden, we may proceed with the

the ... it is better to inspect all such cases ... as pointed out to him, this will not materially add to the inspection work. Now the cases should be taken after the section has to be considered. Such clubbing ... solve themselves into the following:

(1) occupied dry and barren, the former having been converted into garden.

(2) -do-, the garden having become extinct.

(3) -do- when the number of bearing trees, though the whole field as a whole, is not sufficient to justify the treatment of the whole as a garden.

For (1) the general rule is that the occupied land should be assessed at the adjoining garden rate provided ... where there are more rates than one, the lowest of such rates should be adopted. And however, in respect of an enclosed field, the all garden rates are higher than the rate or rates of gardens included in the enclosed field, the recommendation is that it be provided that the rate to the enclosed ^{field} ~~area~~ should not exceed the highest of the rates of the enclosed gardens. This may be approved.

(2) The ... has not made any specific provision for cases coming under item (2) above. The garden portion must be separated as transfers from ... to occupied dry are not allowed unless they are due to causes beyond the ryot's control. If it is found that any case comes under the exception, there is no objection to the whole of the clubbed field being treated as occupied dry and assessed at the same assessment. But if the extinction of the trees is not due to causes beyond the ryot's control, an arbitrary subdivision should be measured to be the garden portion. Such arbitrary division

1. The first thing it is necessary to do is to take these
records, the ones that are moved, to the areas that are
reserved. In reserved areas we have to deal
with a record placed in our hands which has already
been established following the state of the
land which we are devising some means to adopt
at the during the many sub-divisions. In non-
reserved areas we have already the sub-divisions,
the thing we should do is to club them and deliberately
make a state of things to necessitate the application
of the procedure needed for reserved --
2. Following the existing sub-divisions, we may
see transfers from dry to wet and dry to garden. We
will not take account of the transfers from garden to
reserved when it is proved that they were due to cause
and the root control. The result will only be
the discrepancy between the record and the ground
the transfer in non-reserved areas and in the re-
served.

Rev.
5/1/29.

S
To AS (Sett)

Draft subm?

$$\frac{704}{8-1-27}$$

ccs
5-29

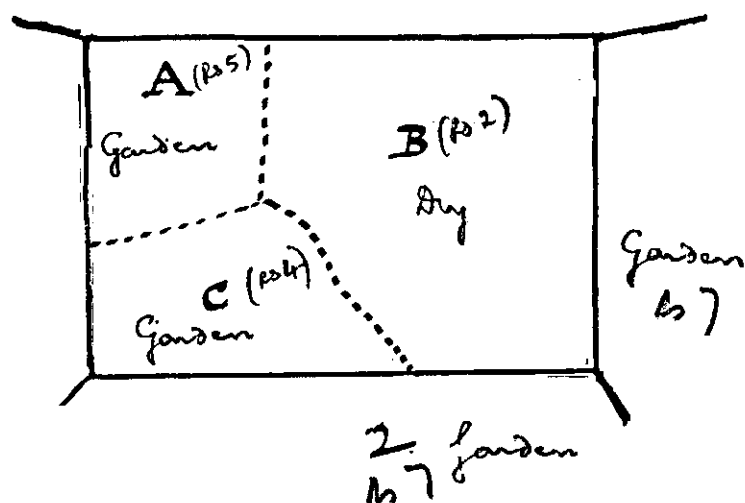
W. J. R.

S/S

To AS (Sett)

Please see

Secy's. query at p. 5 of the draft. The following example will explain the necessity for the proviso suggested by the S. Sc.



The above is a clubbed field comprising the old subdivisions A, B+C. A & C are garden lands assessed at say Rs 5 and Rs 4 respectively per acre. B is a dry land assessed at Rs 2 per acre. The whole field is now to be treated as garden. Under para 18 (6) of go. no 980 Rev. 8/5-5-28 the general rule is to adopt the rate of the adjacent gardens. If the adjacent gardens 1 & 2 happen to bear rates of Rs 7 the same rate will have to be applied to the clubbed field in question. This, the S.S.O.

(U)

considers, will be a hardship to the ryot. Under the S.S.O's proposal (recommended by the Board) the rate of the clubbed field will not exceed Rs. 5, = the highest of the rates now borne by the included portions

K.T.
11-1-29

11-1-29

Sefoy
A.S. (Sefoy)

To AS (Sen)

Refce: Secy's query

at Sp. 9 ante in ...

It is respectfully submitted

that the unit for the purpose

(comparing) of the adjacent garden rate for the purpose of the proviso suggested by the S.S.O. rate is the clubbed field and not

one or other of the old subdivisions

comprised in it. Sub-division B,

for instance, is no longer identifiable

on the ground and the entire field

is now one whole garden. If Secy's

suggestion is adopted Sub-division B

will have to be assessed at Rs 4,

the lowest of the adjacent rates and

the clubbed field will have to be

considered as a case of clubbing of

This is the answer to the Secy's query. We go by the revenue record. A, B & C are all merged into one field and. The adjacent garden will be S.No. 1, S.No. 2 or any other no. on the northern western sides of the clubbed field which is a garden. Secy's proposal involves two processes, (1) the averaging of the component gardens at the lowest of the rates of the clubbed garden (2) the averaging of the rates of the clubbed field at an average rate adjacent gardens (including in this the component gardens of the clubbed field) & (2) the averaging of the whole field at some average rate. The S.S.O's proposal is not to consider the rates of the other gardens at all but to assess the clubbed garden at a fair rate but not as not to exceed the highest of the rates of the included gardens.

14/1/29

lands assessed at diff. rates -
(vide top of p. 4 of the draft)

In the imaginary case taken by us the lowest garden rate is Rs 4, but if the adjoining garden 1 or 2 were assessed at Rs 2, sub-div. B should also be assessed at only Rs 2. If the occupied or portion of a clubbed field happens to be large and any of the adjacent garden rates considerably lower than the rate or rates borne by the garden portions included in the clubbed field the resultant average assessment of the clubbed field, according to the method suggested by the Secy., will be pitched at a comparatively lower figure. To take the occupied or portion alone, imaginary as it is, of a clubbed field, as a unit for the purpose of assessing it at garden rates would thus in some cases involve an appreciable loss of revenue. Orders are requested.

K.G.
14.1.29.
C.D.
14.1.29

Ry
14/1/29

M2
S
AS (Sett)

To AS (Sett)

Please see para. 9

of the S.S.O's letter at pp 6-7 *cf.* and para. 3 of the B.O's Refce. at p. 16 *cf.* Govt orders on the question of the reclassification of lands in S. Kanara have been received. They have agreed with the S.S.O. and the Board that areca nut gardens should be accorded special treatment - *vide* proviso under clause (4) of para. 3 of the fo. As regards other changes the orders are practically the same as those passed for Malabar.

original sent to S.S.O. with B.O.
fo. 147 Res 23-1-29 Copy at (R)

p 2 of (R)

pp 14-15 of (U)

2/ ^{was recommended} As for the case of Malabar, Govt may be requested to restrict the application of the orders issued in clause (1)

p 11 *cf.*

of para. 3 of fo. no. 147 Res of 23-1-29 to old sett. subdivisions or fields that are still marked as such on the ground and are fit to be, and are, treated as such at revenue. Churning of garden lands assessed at diff. rates may be carried out as proposed in the case of Malabar. As regards

p 2 of (R)

p 12 *cf.*

p 12-13 cf

clubbing of garden and dry lands there will be the same three classes as in Malabar.

Cases coming under class (i)

clubbing of dry and garden, the former having been converted into garden, may be dealt with in the same way as was recommended for Malabar--subject

p 13 cf..

to the modification that the ^{limiting the rate of the clubbed field} proviso may be deleted in respect

cases where the new garden is planted with areca palms.

In the case of the clubbed field shown in the margin, under the

p 13 cf.

proviso laid down for Malabar,

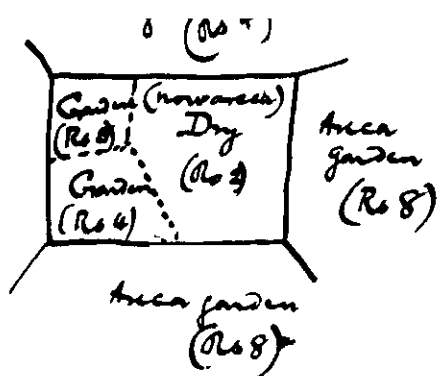
the assessment cannot exceed ^{which is the highest of the rates borne by the included portions}

Rs. 5 an acre while as a matter of fact the ^{portion occupied by} areca garden deserves

to be assessed at Rs 8 under the orders now issued by Govt and the resultant average assessment will be higher than any of the existing rates

In regard to classes (ii) & (iii)

clubbing of dry and garden the latter having become extinct and clubbing of dry and garden,



Since all areca gardens must be surveyed separately the problem cannot arise. If they are lumped together as one unit, they must be surveyed separately. 12/2

below)

vide p 14-15 cf

where the no. of bearing trees
 is not sufficient to justify the
 treatment of the whole clubbed
 field as garden; the course
 recommended for Malabar pp 14-15 of.
 may be prescribed for S. Kanara
 also. As however, the highest
 garden rate in S. Kanara is
 Rs 2. - this is the highest dry
 rate also - it may be stated
 in respect of classes (ii) & (iii)
 that arbitrary subdivisions can
 perhaps be avoided in cases
 where the garden portion
 happens to bear the Rs 2 rate
 The words "or less" are unnecessary pp 14-15 of

For order whether a recommendation
 may be made to Govt. on the
 lines noted above for the treatment
 of clubbed subdivisions in the
 Kasargod taluk, - the only resumed
 taluk in the Dist.

K.G.
 30.1.29

C.B.
 31.1.29

To AS (Sett)

With refce. to the Secy's
 remarks on p. 13 ante, it is

may be added.
 on
 2/1/29

field shown on p. 13 ante,
the old dry portion may have
been planted with areca palms
but intermixed with other trees
in the existing garden portions.

In view of the fact that a
major portion of the clubbed field
consists of areca gardens the

assessment should not depend

as laid down in the general rule 13

on the adjoining garden rate

but should take into account

the comparatively superior nature

of the areca garden. This was the

suggestion made on p. 13 ante.

K.G.

1-2-29

1-2-29 The thing is that areca gardens

are not separately classified as such. In classifying gardens

the existence in them of areca palms is considered as

justifying their being placed in the superior classes & assessed

at higher rates. In effect, the principle is that a garden the

major portion of which contains areca palms should be assessed

on its merits irrespective of the rates for the adjoining garden

lands. This is what is proposed to be done in the case of

the clubbed fields. We take the whole garden as it has been

surveyed and with reference to the nature of the garden & the

description of the trees we assess it at a British rate. This rate

is bound to be fairly high as the clubbed dryland ^{now} contains areca palm

p 2 of (R)

submitted that a separate survey and measurement will be possible only when the area cult. garden is a homogeneous block, with no other kind of garden tree in it. When for instance a garden land is planted with two or more different kinds of trees, none of them constituting a compact block, but being intermingled promiscuously, it will not be possible to differentiate the various 'kinds' of trees, but this will not present any difficulty in assigning a suitable ^{to the garden} classification as best, superior, good, ordinary, inferior, bad or worst. At the last settl. - arcanut gardens, were generally assessed at Rs 8 (best) and occasionally at Rs 7 (superior) or Rs 6 (good). It is respectfully submitted that the classification does not depend on the kind of trees exclusively; a jack garden may be good (Rs 6) in one village and inferior in another (Rs 4) and worst (Rs 2) in a third. In the imaginary

Noting
✓ (X)

[vide S.S.O's report
on classification
File sent to Ores
with b.p.]

field shown on p. 13 ante,
the old dry portion may have
been planted with areca palms
but intermixed with other trees
in the existing garden portions.

In view of the fact that a
major portion of the clubbed field
consists of areca gardens the
assessment should not depend

on the adjoining garden rate
but should take into account
the comparatively superior nature
of the areca garden. This was the
suggestion made on p. 13 ante.

p 29 (R)

K.G.
1-2-29

Chd. 1-2-29. The thing is that areca gardens

are not separately classified as such. In classifying gardens

the existence in them of areca palms is considered as

justifying this being placed in the superior class & assessed

at higher rates. In effect, the principle is that a garden the

major portion of which contains areca palms should be assessed

on its merits irrespective of the rates for the adjoining garden

lands. This is what is proposed to be done in the case of

the clubbed fields. We take the whole garden as it has been

surveyed and with reference to the nature of the garden & the

description of the trees we assess it at a suitable rate. This rate

is bound to be fairly high as the clubbed dryland ^{now} contains areca palms

no necessity for any action.

aoz
1/7/29

Allypi
new
21

USD
4 2

23.2.29
aoz
5.2

IS (Sett)

To AS (Sett)

Draft subm?

KG
5.2.29.

aoz
7/7/29

aoz
6.2.29

11.9-16.9.
11.2.29 & 2.2.29.

[Refce. F 8737/28-4 2/6-1-29
Lo. ms. 326 7/18.2-29]

IS (Sett)

To AS (Sett)

(11.21-22.29) Govt have passed orders so far as Malabar is concerned.

Draft subm at p.22 of

KG
10.2.29
aoz
20.2.29.

aoz
21/7/29

[Refce. F8737/28.3 7/24.2]

IS (Sett)

To AS (Sett)

Please see fvo. at

11.23-24.29 cf. as regards S. Kanara

Draft subm?

KG
6.3.29
JH
6.3.29

aoz
7/3/29